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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,597	01/09/2002	Jean Bernard G. M. Beuque	11345.043001	2161

22511 7590 09/27/2004

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EXAMINER	
IQBAL, NADEEM	
ART UNIT	**PAPER NUMBER**
2114	6

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,597	BEUQUE ET AL.	
	Examiner	Art Unit	
	Nadeem Iqbal	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) *18,19 and 41-51* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 20-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicants preliminary amendment filed on Jan 9, 2002 cancels claims 18-19, 41-51.

Claim Rejections - 35 USC § 112

1. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. The statement relating to "means for communicating **the or each part** to the receiver/decoder"

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 13-15, 20-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al., (U.S. Patent number 6360195).

1. As per claim 1, Liao et al., teaches (col. 1, lines 59-61) a receiver/decoder that extracts broadcast control programs from the broadcast television or radio signal and controls a television or radio set. He thus teaches a receiver/decoder that stores an application, means for running a stored application. He also teaches (col. 1, lines 57-59) a computer workstation, a control program, and coupling the workstation to the receiver/decoder, the receiver/decoder controls running a program and returning test signals to the workstation. He thus teaches limitations pertain to means for communicating over a network a debugging message to a remote workstation.

3. As per claim 2, He also teaches (col. 1, lines 65-67) developing the control program on the workstation; passing the program to the receiver/decoder unit; running the program on the receiver/decoder unit. He thus teaches the limitations pertain to receive the debugging message from the network to control the execution of the application by the receiver/decoder.

2. As per claim 13, Liao teaches a workstation includes a test or monitor (debugging) tool (col. 7, lines 37-39) and test application being downloaded into the receiver/decoder, the monitor monitors the running of the application in the receiver/decoder. He thus teaches limitations pertain to a workstation for debugging an application stored and running on a remote receiver/decoder. He also teaches (col. 7, lines 44-46) that the monitor can pass control signals to the receiver/decoder over a link and receive signals back therefrom over a link. He thus teaches means for communicating a debugging message with the receiver/decoder over a network.

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4. As per claims 14 & 15, Liao teaches as stated above test application being downloaded into the receiver/decoder, therefore the workstation would include storage means for the applications to be run on a receiver/decoder. He also teaches (col. 7, lines 46-48) that the receiver/decoder and the monitor effectively operate respectively as a server and a client, therefore would allow access to at least one of the files by a receiver/decoder connected to the workstation.

3. As per claims 20 & 29, Liao teaches (col. 8, lines 29-31) that in developing an application by using the authoring tool, control statements and test statements may be included therein. He thus teaches development tool comprising a workstation for editing an application. He also teaches (col. 7, lines 43-45) that monitor can pass control signals to the receiver/decoder over a link and receives signals back therefrom over a link. He thus teaches limitations pertain to means for communicating to the receiver/decoder. He also teaches (col. 7, lines 15-17) that the receiver/decoder extracts any data signals and processes them in accordance with any applications contained in the receiver/decoder. He thus teaches limitations pertain to the receiver/decoder has means for selectively reading at least part of the application from the workstation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-12, 16-19, 21-28, 30-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao et al., (U.S. Patent number 6369195) and further in view of Zou (U.S. Patent number 6694349).

7. As per claim 3, Liao et al., does not explicitly disclose that the message includes an identifier of a remote host. Zou teaches (col. 3, lines 24-26) communication media manager (CMM) that examines the received messages to determine a memory space indication and a source device identification stored therein. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the receive messages into the system of Liao to include source device identification as taught by Liao. This is because the stated inclusion provides a desirable advantage of source device identification and both inventions are in the same environment of audio/video networking.

8. As per claim 4, Liao et al., teaches (col. 7, lines 35-38) that the workstation 4003 includes s test or monitor (debugging) tool. He also teaches (col. 7, lines 43-45) that monitor can pass control signals to the receiver/decoder over a link and receives signals back therefrom over a link. He thus teaches limitations pertain to means for communicating debugging messages.

9. As per claim 5, Liao teaches (col. 7, lines 37-39) test application being downloaded into the receiver/decoder, the monitor monitors the running of the application in the receiver/decoder. He thus teaches limitations pertain to receiver/decoder selectively reading at least one of the files from the remote workstation.

10. As per claims 6 & 7, Liao teaches (col. 7, lines 37-39) test application being downloaded into the receiver/decoder, the monitor monitors the running of the application in the receiver/decoder. He thus teaches limitations pertain to receiver/decoder selectively reading at least one of the files from the remote workstation. The external storage would clearly be within the workstation.

11. As per claim 8, Liao teaches (col. 7, lines 46-48) that the receiver/decoder and the monitor effectively operate respectively as a server and a client. Therefore the client would be adapted to read an individual file from the remote workstation.

12. As per claim 9, Liao teaches (col. 7, lines 46-48) that the receiver/decoder and the monitor effectively operate respectively as a server and a client. Therefore would include a network stack on the workstation (the remote workstation).

13. As per claim 10, Liao teaches (col. 7, lines 65,66) that the monitor can also control the execution of the application, by inserting break-points. He thus provides the capability to load a boot file from the remote workstation.

14. As per claims 11 & 12, Liao teaches (col. 7, lines 37-39) test application being downloaded into the receiver/decoder, the monitor monitors the running of the application in the receiver/decoder, clearly receiver/decoder would read a file as it is required to run from its memory.

15. As per claim 16, Liao teaches (col. 7, lines 65,66) that the monitor can also control the execution of the application, by inserting break-points. He thus provides the capability to allow access to at least one file.

16. As per claim 17, Liao teaches (col. 8, lines 29-31) that in developing an application by using the authoring tool, control statements and test statements may be included therein. He thus provides the capability to edit the applications.

17. As per claim 21, Liao teaches (col. 8, lines 29-31) that in developing an application by using the authoring tool, control statements and test statements may be included therein. It would have been obvious to a person of ordinary skill in the art to realize that the workstation would include means for storing application, since he teaches the workstation being a UNIX workstation, which is well know in the art to include means for storing data.

18. As per claim 22, Liao teaches (col. 8, lines 29-31) that in developing an application by using the authoring tool, control statements and test statements may be included therein, therefore would include plurality of files.

19. As per claims 23 & 24, Liao teaches (col. 7, lines 46-48) that the receiver/decoder and the monitor effectively operate respectively as a server and a client. Therefore the client would be adapted to read an individual file from the remote workstation.

20. As per claim 25, Liao teaches (col. 8, lines 29-31) that in developing an application by using the authoring tool, control statements and test statements may be included therein. He thus would include capability to update a file.

21. As per claim 26, Liao teaches (col. 7, lines 46-48) that the receiver/decoder and the monitor effectively operate respectively as a server and a client. Therefore the receiver/decoder is adapted to read the most recent version of a file.

22. As per claim 27, Liao teaches (col. 8, lines 32-35) that the receiver/decoder unit receives control signals fed direct from the workstation, and the application will contain control statements responsive to such control signals. He thus provides the capability to instruct the receiver/decoder to discard a file.

23. As per claim 28, Liao et al., teaches (col. 7, lines 35-38) that the workstation 4003 includes s test or monitor (debugging) tool. He also teaches (col. 7, lines 43-45) that monitor can pass control signals to the receiver/decoder over a link and receives signals back therefrom over a link. He thus teaches limitations pertain to an application development environment and a network over which the workstation and the receiver/decoder communicate.

24. As per claims 30 & 32, Liao et al., teaches (col. 7, lines 43-45) that monitor can pass control signals to the receiver/decoder over a link and receives signals back therefrom over a link. He thus includes a debugging message received by the receiver/decoder over the network.

25. As per claim 31, Liao et al., does not explicitly disclose that the message includes an identifier of a remote host. Zou teaches (col. 3, lines 24-26) communication media manager (CMM) that examines the received messages to determine a memory space indication and a source device identification stored therein. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the receive messages into the system of Liao to include source device identification as taught by Liao. This is because the stated

inclusion provides a desirable advantage of source device identification and both inventions are in the same environment of audio/video networking.

26. As per claims 33 & 24, Liao teaches (col. 7, lines 46-48) that the receiver/decoder and the monitor effectively operate respectively as a server and a client. Therefore the client would be adapted to read an individual file from the remote workstation.

27. As per claims 34 & 35, Liao teaches a workstation includes a test or monitor (debugging) tool (col. 7, lines 37-39) and test application being downloaded into the receiver/decoder, the monitor monitors the running of the application in the receiver/decoder. He thus teaches limitations pertain to a workstation for debugging an application stored and running on a remote receiver/decoder. He also teaches (col. 7, lines 44-46) that the monitor can pass control signals to the receiver/decoder over a link and receive signals back therefrom over a link. He thus teaches means for communicating a debugging message with the receiver/decoder over a network.

28. As per claims 36 & 37, Liao et al., teaches (col. 7, lines 35-38) that the workstation 4003 includes s test or monitor (debugging) tool. He also teaches (col. 7, lines 43-45) that monitor can pass control signals to the receiver/decoder over a link and receives signals back therefrom over a link. He thus teaches limitations pertain to an application development environment and a network over which the workstation and the receiver/decoder communicate.

29. As per claims 38 & 39, Liao teaches (col. 7, lines 65,66) that the monitor can also control the execution of the application, by inserting break-points. He thus provides the capability to load a boot file from the remote workstation. Liao also teaches a workstation includes a test or monitor (debugging) tool (col. 7, lines 37-39) and test application being downloaded into the receiver/decoder, the monitor monitors the running of the application in the receiver/decoder. He

thus teaches limitations pertain to transferring the boot file to the receiver/decoder and executing the boot file. He does not explicitly discloses transferring the at least one further file when it is required. It would have been obvious to a person of ordinary skill in the art to realize that he provide the capability to transfer the at least one further file when it is required, since He already teaches the capability to downloaded into the receiver/decoder a test application.

30. As per claim 40, Liao already teaches as stated above a workstation includes a test or monitor (debugging) tool (col. 7, lines 37-39) and test application being downloaded into the receiver/decoder. He thus would transfer at least one of other file over the network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. After Oct. 12, 2004, Examiner telephone number is changed to (571) 272-3659. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI